

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:22-CV-033-FDW-DCK**

**MANGANARO SOUTHEAST, LLC,**

**Plaintiff,**

**v.**

**JMM CONSTRUCTION INC. OF TEXAS,  
JMM CONSTRUCTION OF OKLAHOMA,  
INC., and JMM CONSTRUCTION, INC.,**

**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “Plaintiff’s Motion For Leave To Perform Limited Discovery” (Document No. 17) filed June 24, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

This lawsuit involves a claim for breach of contract against Defendants relating to a construction project. (Document No. 17, p. 1); see also (Document No. 1). Plaintiff notes that no Defendants have answered or otherwise responded to the Complaint. Id. The Clerk of Court has granted Plaintiff’s motions for entry of default against each Defendant and indicated that Defendants are subject to default judgment. See (Document Nos. 9, 10, 12, 13, 15, and 16).

By the instant motion, Plaintiff seeks leave to conduct early/limited discovery even though Defendants have not responded to this lawsuit and do not appear to have been consulted about the instant motion. Specifically, Plaintiff seeks “Leave of Court to issue third-party subpoenas duces tecum to two banks,” seeking extensive financial records of Defendants. (Document No. 17, p. 3).

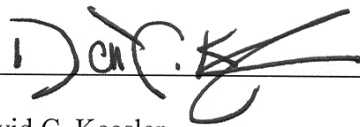
Plaintiff correctly notes that the Local Rules permit “a motion for leave to take early discovery stating the reasons therefor.” (Document No. 17, p. 2) (citing LCvR 16.(f)). Typically however, “Court-enforceable discovery does not commence until issues have joined and a Scheduling Order has been entered.” (LCvR 16.1(f)).

Under the circumstances of this case and at this stage of the litigation, the undersigned is not persuaded that it is reasonable or appropriate to allow Plaintiff to conduct discovery aimed at over three (3) years of Defendants’ financial information.

**IT IS, THEREFORE, ORDERED** that “Plaintiff’s Motion For Leave To Perform Limited Discovery” (Document No. 17) is **DENIED WITHOUT PREJUDICE**.

**SO ORDERED.**

Signed: June 27, 2022

  
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David C. Keesler  
United States Magistrate Judge

